

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

RYAN ANTHONY SAVINELL

PLAINTIFF

V.

NO. 3:14-CV-00226-DMB-JMV

CHRISTOPHER EPPS, et al.

DEFENDANTS

CERTIFICATE OF APPEALABILITY

A final order having been issued in either a *habeas corpus* proceeding in which the detention complained of arises out of process issued by a state court under 28 U.S.C. § 2254 or § 2241 or in a proceeding under 28 U.S.C. § 2255, the Court, considering the record in the case and the requirements of Fed. R. App. P. 22(b) and 28 U.S.C. § 2253(c), hereby finds that:

PART A

☐ the applicant has made a substantial showing of the denial of a constitutional right.

☒ **a certificate of appealability should not issue.**

REASONS FOR DENIAL: For the reasons stated in its opinion, the court finds that the petitioner has failed to “demonstrate that the issues are debatable among jurists of reason; that a court could resolve issues in a different manner; or that the questions are adequate to deserve encouragement to proceed further.” *Barefoot v. Estelle*, 463 U.S. 880, 893 n.4, 103 S.Ct. 3383, 3394 n.4, 77 L.Ed.2d 1090 (1993) (superseded by statute) (citations and quotations omitted); 28 U.S.C. § 2253(c) (1) and (2). Specifically, the court finds that the instant petition for a writ of

habeas corpus should be dismissed under Fed. R. Civ. P. 41(b) because the petitioner did not comply with an order of the court.

PART B (if applicable)

- ☐ The party appealing is entitled to proceed *in forma pauperis*.
- ☒ **The party appealing is not entitled to proceed *in forma pauperis*.**

REASONS FOR DENIAL: The court finds that the petitioner's appeal is not taken in good faith because it is frivolous and has no possibility of success. *See* Fed. R. App. P. 24.

SO ORDERED, this, the 9th day of February, 2015.

/s/ Debra M. Brown
UNITED STATES DISTRICT JUDGE